

# LITIGATION BOUTIQUES **HOT LIST**

**A SPECIAL REPORT** | This week The National Law Journal highlights litigation firms that are small but powerful. We asked our readers to nominate firms with up to 50 attorneys that won important litigation during calendar year 2014—whether in monetary terms or by establishing precedents at the trial or appellate level—and supplemented those proposals with our own research to find the 10 firms named here.



## **GOLDMAN ISMAIL TOMASELLI BRENNAN & BAUM**

### **Doing Things Differently From Bigger Firms**

Goldman Ismail Tomaselli Brennan & Baum has “an uncanny ability to assess problems and evaluate risk.” So says James Grasty, vice president and assistant general counsel for litigation at Merck & Co. “They get across the finish line effectively and efficiently,” Grasty said of the firm his company has used almost since Goldman Ismail’s inception six years ago. “In the process, they produce an excellent work product as well as a tangible economic benefit for their clients.”

Founded by former partners at Bartlit Beck Herman Palenchar & Scott and Fulbright & Jaworski, Goldman Ismail prides itself on doing things differently than the bigger firms. With nine partners and 18 attorneys, the Chicago-based defense practice successfully litigated sprawling multidistrict litigation last year, including the Mirena products liability case, which involves claims by more than 3,000 plaintiffs in courts across the United States. Goldman Ismail is

lead national counsel representing Bayer Healthcare LLC, manufacturer of the Mirena intrauterine contraceptive device.

In 2014, the firm convinced the MDL judge in the Southern District of New York to treat a statute of limitations challenge as a test case and hear arguments in advance of discovery. The complaint ultimately was thrown out and the judge established an accelerated briefing process for potential dismissal of about 200 other cases.



TAREK ISMAIL

In a second win, Goldman Ismail convinced the Judicial Panel on Multidistrict Litigation to reject a plaintiff request to consolidate a series of cases alleging injuries caused by “idiopathic intracranial hypertension.” Such consolidation can exacerbate the pressure on defendants to settle as the risk of an unfavorable ruling rises—usually exponentially—with the case amalgamation. “This is one of the bigger mass torts going on in the country now, and you have a boutique law firm leading the defense for a multinational corporation,” found-

ing partner Tarek Ismail said. “You won’t find another firm of our size being national counsel in a case as important as Mirena.”

One of the firm’s strategies has been to offer clients a distinctive depth of expertise, despite its small size, Ismail said. For example, two of the lawyers on the Mirena case hold medical degrees. “In a 1,000-lawyer firm, you’d be lucky to find one J.D./M.D.; we have three.”

“Tarek is able to evaluate all sides of an issue, which is somewhat rare,” said Steve Skikos, a San Francisco plaintiffs’ lawyer who has faced off with the firm in a number of cases. “Most lawyers tend to see only their own side. He’s able to come up with a plan, stick to a plan and get the case resolved with results that both sides can live with,” he said.

In one dimension in particular—setting fees—Goldman Ismail has carved out its own path. The firm adopted from its start a fee structure based on its ability to assess the needs of a case and not run up unnecessary billable hours. “Their fee model reflects the high degree of confidence and experience with which they approach every case,” Merck’s Grasty said. “It really shows their willingness to partner with clients.”

—PAT WECHSLER

## TRIAL TIPS

- Building credibility with the judge is as important as building credibility with the jury.
- Respect jurors’ and the court’s time by avoiding unnecessary repetition and presenting cumulative evidence.
- Focus on a limited number of core trial themes that will provide jurors with the conceptual framework for understanding key evidence.

—TAREK ISMAIL

## FIRM FACTS

- **Founded:** 2009
- **Based:** Chicago (biggest)
- **Total attorneys:** 18
- **Partners:** 9
- **Associates:** 7 ■ **Counsel:** 2

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